

HOUSE BILL 3268

By Maddox

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 5, relative to administration of anti-seizure
medications in school settings in emergency
situations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-415, is amended by adding the
following language as a new subsection (g):

(g)

(1) In addition to the assistance with self-administration of medications
provided for in subsection (a), public and non-public school personnel who
volunteer under no duress or pressure and who have been properly trained by a
registered nurse employed or contracted by the LEA or governing board for a
non-public school may administer anti-seizure medications, including diazepam
gel, to a student in an emergency situation based on that student's IHP.

However, if a school nurse is available, on site, and able to reach the student
within the time limit for administration specified in the IHP, then the nurse shall
provide this service to the student. All public schools are subject to all
requirements in this subsection (g). Non-public schools whose governing boards
choose to allow volunteer administration of anti-seizure medications are subject
to all requirements of this subsection (g) except those in subdivisions (g)(2) and
(g)(6).

(2) A nurse employed or contracted by the LEA shall be responsible for
updating and maintaining each IHP.

(3) The department of health and the department of education shall jointly
amend current "Guidelines for Use of Health Care Professionals and Health

Procedures in a School Setting” to reflect the appropriate procedures for use by registered nurses in training volunteer school personnel to administer anti-seizure medications, including diazepam gel, to a student in an emergency situation. The board of nursing and the Epilepsy Foundations of Tennessee shall be afforded the opportunity to review and comment on the guidelines before they take effect and any training begins. The guidelines developed shall be used uniformly by all LEAs and the governing boards of non-public schools that choose to allow volunteer school personnel to administer anti-seizure medications. In addition, the guidelines shall require at least one (1) school employee to serve as a witness on any occasion a volunteer administers anti-seizure medication during an emergency situation, unless a witness is not available within the time limit for administration specified in the IHP.

(4) Once a public or private school has determined to allow volunteer staff to administer anti-seizure medication in an emergency situation, the training referenced in subdivision (g)(3) shall be conducted as soon as possible, and shall be repeated annually thereafter. In addition, competencies to administer anti-seizure medications shall be documented in the personnel file of all volunteer school personnel.

(5) Trained volunteer school personnel administering anti-seizure medications under this subsection, any registered nurse who provides training to administer such medications and any local board of education or governing board for a non-public school authorizing the same shall not be liable in any court of law for injury resulting from the reasonable and prudent assistance in the administration of such medications, if performed pursuant to the policies and

guidelines developed by the departments of health and education and approved by applicable regulatory or governing boards or agencies.

(6) An LEA shall not assign a student with epilepsy or other seizure disorder to a school other than the school for which the student is zoned or would otherwise regularly attend because the student has a seizure disorder.

(7) Prior to administration of an anti-seizure medication to a student by volunteer school personnel or a school nurse in an emergency situation, the student's parent or guardian shall provide:

(A) The school with a written authorization to administer the medication at school;

(B) A written statement from the student's health care practitioner, which statement shall contain the student's name, the name and purpose of the medication, the prescribed dosage, the route of administration, the frequency that the medication may be administered, and the circumstances under which the medication may be administered; and

(C) Prior to its date of expiration, the prescribed medication to the school in its unopened, sealed package with the intact label affixed by the dispensing pharmacy.

(8) The written authorization required by subdivision (g)(7)(A) above shall be kept on file in the office of the school nurse or school administrator. Unless subsequently rescinded in writing, such authorization shall be effective for the entirety of the school year in which it is granted.

(9) The school nurse or school administrator shall check monthly the expiration date for each anti-seizure medication in possession of the school monthly. At least one (1) month prior to the expiration date of each medication,

the school nurse or administrator shall inform the student's parent or guardian of the expiration date.

SECTION 2. This act shall take effect upon July 1, 2008, the public welfare requiring it.